
TITLE 329 SOLID WASTE MANAGEMENT BOARD

Final Rule

LSA Document #08-55(F)

DIGEST

Adds [329 IAC 9-1-18.5](#), [329 IAC 9-1-27.5](#), [329 IAC 9-1-27.6](#), [329 IAC 9-1-27.8](#), [329 IAC 9-1-40.5](#), [329 IAC 9-1-41.8](#), [329 IAC 9-1-45.5](#), [329 IAC 9-3-1.2](#), and [329 IAC 9-3-1.3](#) and amends [329 IAC 9-1-1](#), [329 IAC 9-1-37](#), [329 IAC 9-2-1](#), and [329 IAC 9-2-2](#) concerning additional measures to protect groundwater by requiring new and existing tanks and piping to have secondary containment. Repeals [329 IAC 9-1-27.4](#). Effective 30 days after filing with the Publisher.

HISTORY

First Notice of Comment Period: January 30, 2008, Indiana Register (DIN: [20080130-IR-329080055FNA](#)).

Second Notice of Comment Period: June 11, 2008, Indiana Register (DIN: [20080611-IR-329080055SNA](#)).

Notice of First Hearing: June 11, 2008, Indiana Register (DIN: [20080611-IR-329080055PHA](#)).

Proposed Rule Published: November 5, 2008, Indiana Register (DIN: [20081105-IR-329080055PRA](#)).

Notice of Second Hearing: November 5, 2008, Indiana Register (DIN: [20081105-IR-329080055PHA](#)).

[329 IAC 9-1-1](#); [329 IAC 9-1-18.5](#); [329 IAC 9-1-27.4](#); [329 IAC 9-1-27.5](#); [329 IAC 9-1-27.6](#); [329 IAC 9-1-27.8](#); [329 IAC 9-1-37](#); [329 IAC 9-1-40.5](#); [329 IAC 9-1-41.8](#); [329 IAC 9-1-45.5](#); [329 IAC 9-2-1](#); [329 IAC 9-2-2](#); [329 IAC 9-3-1.2](#); [329 IAC 9-3-1.3](#)

SECTION 1. [329 IAC 9-1-1](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 9-1-1](#) Applicability

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-23-1-1](#); [IC 13-23-1-2](#)

Affected: [IC 13-12-3-2](#); [IC 13-23](#)

Sec. 1. (a) This article applies to all owners and operators of an UST system as defined in section 49 of this rule, except as otherwise provided in subsections (b) through (d). Any UST system listed in subsection (c) shall meet the requirements of section 1.1 of this rule. Nothing in this article shall be construed to conflict with, circumvent, rescind, or repeal any authority, power, or duty possessed by the office of the state fire marshal under Indiana law.

(b) The following UST systems are excluded from the requirements of this article:

(1) Any UST system holding:

(A) hazardous wastes regulated under Subtitle C (42 U.S.C. 6921 through 42 U.S.C. 6939b) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6901, et seq., in effect on September 30, 1996; or

(B) a mixture of such hazardous waste and other regulated substances.

(2) Any wastewater treatment tank system that is part of a wastewater treatment facility regulated under Section 402 (33 U.S.C. 1342) or 307(b) (33 U.S.C. 1317(b)) of the Clean Water Act, as amended, 33 U.S.C. 1251 et seq., in effect on October 31, 1994.

(3) Equipment or machinery that contains regulated substances for operational purposes and that may include any of the following:

(A) Hydraulic lift tanks.

(B) Electrical equipment tanks.

(4) Any UST system whose capacity is one hundred ten (110) gallons or less, except an owner and operator with two (2) or more UST systems on-site whose individual capacities are one hundred ten (110) gallons or less are not excluded if the total capacity of all tanks on-site containing the same product exceeds one hundred ten (110) gallons.

(5) Any UST system that contains a de minimis concentration of regulated substances.

(6) Any emergency spill or overflow containment UST system that is expeditiously emptied after use.

(c) [329 IAC 9-2](#) through [329 IAC 9-4](#), [329 IAC 9-6](#), and [329 IAC 9-7](#) do not apply to any of the following types of UST systems:

- (1) Wastewater treatment tank systems.
- (2) Any UST system containing radioactive material that is regulated under the Atomic Energy Act of 1954, 42 U.S.C. 2011, et seq., as amended, in effect on April 26, 1996.
- (3) Any UST system that is part of an emergency generator system at a nuclear power generation facility regulated by the Nuclear Regulatory Commission under 10 CFR 50, Appendix A.
- (4) Airport hydrant fuel distribution systems.
- (5) UST systems with field-constructed tanks.

(d) [329 IAC 9-7](#) does not apply to any UST system that stores fuel solely for use by emergency power generators, **except for those installed or replaced after the effective date of the 2009 amendments.**

(e) Unless specified in the documents incorporated by reference in this article, the version of documents referenced in the incorporated by reference documents is the latest version that is in effect on the date of final adoption of the incorporated by reference documents into a section of this article.

(f) Owners or operators:

- (1) performing a task or measure before the effective date of the 2004 amendments to this article; or
- (2) taking an action, such as submitting reports, plans, or notifications received by the agency on a date before the effective date of the 2004 amendments to this article;

will be governed by this article before it was amended in 2004.

(g) Owners or operators completing any requirement of this article, including:

- (1) performing a task or measure on or after the effective date of the 2004 amendments to this article; or
- (2) taking an action, such as submitting reports, plans, or notifications received by the agency on a date on or after the effective date of the 2004 amendments to this article;

will be governed by this article as amended in 2004.

(Solid Waste Management Board; [329 IAC 9-1-1](#); filed Dec 1, 1992, 5:00 p.m.: 16 IR 1062; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3683; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Aug 30, 2004, 9:35 a.m.: 28 IR 145; filed Aug 3, 2009, 1:48 p.m.: [20090902-IR-329080055FRA](#))

SECTION 2. [329 IAC 9-1-18.5](#) IS ADDED TO READ AS FOLLOWS:

[329 IAC 9-1-18.5](#) "Existing" defined

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-23-1-1](#); [IC 13-23-1-2](#)

Affected: [IC 13-18-17-6](#); [IC 13-23-3](#)

Sec. 18.5. "Existing" means that a:

- (1) tank;
- (2) piping;
- (3) motor fuel dispensing system;
- (4) facility;
- (5) community public water supply system (CPWSS); or
- (6) potable drinking water well;

is in place prior to beginning the installation or replacement of a tank, piping, or motor fuel dispensing system. The term includes a potable drinking water well that the UST owner has or will install at a new underground storage tank facility regardless of whether the well is installed before or after the tanks, piping, and motor fuel dispenser systems.

(Solid Waste Management Board; [329 IAC 9-1-18.5](#); filed Aug 3, 2009, 1:48 p.m.: [20090902-IR-329080055FRA](#))

SECTION 3. [329 IAC 9-1-27.5](#) IS ADDED TO READ AS FOLLOWS:

[329 IAC 9-1-27.5](#) "Interstitial monitoring" defined

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-23-1-1](#); [IC 13-23-1-2](#)

Affected: [IC 13-18-17-6](#); [IC 13-23-3](#)

Sec. 27.5. "Interstitial monitoring" means a release detection method that continuously monitors the interstitial space of an underground storage tank and piping. The term includes only those release detection systems that are capable of detecting a breach in the primary containment of the underground storage tank and piping component being monitored before the regulated substance or petroleum stored is released to the environment.

(Solid Waste Management Board; [329 IAC 9-1-27.5](#); filed Aug 3, 2009, 1:48 p.m.: [20090902-IR-329080055FRA](#))

SECTION 4. [329 IAC 9-1-27.6](#) IS ADDED TO READ AS FOLLOWS:

[329 IAC 9-1-27.6](#) "Interstitial space" defined

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-23-1-1](#); [IC 13-23-1-2](#)

Affected: [IC 13-18-17-6](#); [IC 13-23-3](#)

Sec. 27.6. "Interstitial space" means the space between the primary and secondary containment systems.

(Solid Waste Management Board; [329 IAC 9-1-27.6](#); filed Aug 3, 2009, 1:48 p.m.: [20090902-IR-329080055FRA](#))

SECTION 5. [329 IAC 9-1-27.8](#) IS ADDED TO READ AS FOLLOWS:

[329 IAC 9-1-27.8](#) "Karst terrains" defined

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-23-1-1](#); [IC 13-23-1-2](#)

Affected: [IC 13-18-17-6](#); [IC 13-23-3](#)

Sec. 27.8. "Karst terrains" means an area where karst topography, with its characteristic surface and subterranean features, is developed as the result of dissolution of limestone, dolomite, or other soluble rock. Characteristic physiographic features present to karst terrains include any of the following:

- (1) Sinkholes.
- (2) Sinking streams.
- (3) Caves.
- (4) Large springs.
- (5) Blind valleys.
- (6) Grikes.
- (7) Karren.
- (8) Solution widened joints or bedding planes.
- (9) Loss of drilling fluid during core drilling.
- (10) Anasotmosis [*sic*], and conduits of less than one (1) meter, but more than two and five-tenths (2.5) millimeters.
- (11) Karst aquifer.

(Solid Waste Management Board; [329 IAC 9-1-27.8](#); filed Aug 3, 2009, 1:48 p.m.: [20090902-IR-329080055FRA](#))

SECTION 6. [329 IAC 9-1-37](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 9-1-37](#) "Pipe" or "piping" defined

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-23-1-1](#); [IC 13-23-1-2](#)

Affected: [IC 13-18-17-6](#); [IC 13-23-3](#)

Sec. 37. (a) "Pipe" or "piping" means a hollow cylinder or tubular conduit that is constructed of nonearthen materials that routinely contains and conveys regulated substances from the tank or tanks to the dispenser or other end-use equipment. The term includes a suction system for product delivery under [329 IAC 9-7-2\(2\)\(B\)](#).

(b) The term does not include vent, vapor recovery, or fill lines that do not routinely contain regulated substances.

(Solid Waste Management Board; [329 IAC 9-1-37](#); filed Dec 1, 1992, 5:00 p.m.: 16 IR 1067; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Aug 3, 2009, 1:48 p.m.: [20090902-IR-329080055FRA](#))

SECTION 7. [329 IAC 9-1-40.5](#) IS ADDED TO READ AS FOLLOWS:

[329 IAC 9-1-40.5](#) "Replaced" defined

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-23-1-1](#); [IC 13-23-1-2](#)

Affected: [IC 13-18-17-6](#); [IC 13-23-3](#)

Sec. 40.5. "Replaced" means the permanent removal from service and the new installation of any of the following:

- (1) An underground storage tank.**
- (2) More than fifty percent (50%) of the length of any underground piping between the tank and the dispenser or other end-use equipment at any one (1) time.**
- (3) A motor fuel dispenser system and the equipment necessary to connect the dispenser to the underground storage tank system. For purposes of this definition, this equipment includes flexible connectors, risers, or other transitional components that are beneath the dispenser and connect the dispenser to the piping.**

(Solid Waste Management Board; [329 IAC 9-1-40.5](#); filed Aug 3, 2009, 1:48 p.m.: [20090902-IR-329080055FRA](#))

SECTION 8. [329 IAC 9-1-41.8](#) IS ADDED TO READ AS FOLLOWS:

[329 IAC 9-1-41.8](#) "Secondary containment" defined

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-23-1-1](#); [IC 13-23-1-2](#)

Affected: [IC 13-18-17-6](#); [IC 13-23-3](#)

Sec. 41.8. "Secondary containment" means a release detection system that meets the requirements of [329 IAC 9-7-4](#)(7), but does not include an under-dispenser spill containment system.

(Solid Waste Management Board; [329 IAC 9-1-41.8](#); filed Aug 3, 2009, 1:48 p.m.: [20090902-IR-329080055FRA](#))

SECTION 9. [329 IAC 9-1-45.5](#) IS ADDED TO READ AS FOLLOWS:

[329 IAC 9-1-45.5](#) "Under-dispenser spill containment" defined

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-23-1-1](#); [IC 13-23-1-2](#)

Affected: [IC 13-18-17-6](#); [IC 13-23-3](#)

Sec. 45.5. (a) "Under-dispenser spill containment" means a device that is capable of preventing an unauthorized release from under the dispenser from entering the soil or ground water, or both.

(b) Under-dispenser spill containment must:

- (1) not allow liquid to penetrate on any side or bottom;**
- (2) be compatible with the substance conveyed by the piping; and**
- (3) allow for visual inspection and access to the components in the under-dispenser spill containment system.**

(Solid Waste Management Board; [329 IAC 9-1-45.5](#); filed Aug 3, 2009, 1:48 p.m.: [20090902-IR-329080055FRA](#))

[329 IAC 9-2-1](#) New UST systems**Authority:** [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-23-1-1](#); [IC 13-23-1-2](#)**Affected:** [IC 13-11-2-184](#); [IC 13-23](#); [IC 25-31-1](#)

Sec. 1. In order to prevent releases due to structural failure, corrosion, or spills and overfills for as long as the UST system is used to store regulated substances, all owners and operators of new UST systems shall meet the following requirements:

(1) Each tank must be properly designed and constructed, and any portion underground that routinely contains product must be protected from corrosion as specified under one (1) of the following:

(A) The tank is constructed of fiberglass-reinforced plastic and meets one (1) of the following:

(i) Underwriters Laboratories Standard 1316, "Glass-Fiber-Reinforced Plastic Underground Storage Tanks for Petroleum Products, Alcohol, and Alcohol-Gasoline Mixtures", revised 1996, Underwriters Laboratories Inc., 333 Pfingsten Road, Northbrook, Illinois 60062.

(ii) Underwriters Laboratories of Canada CAN/ULC-S615-1998, "Standard for Reinforced Plastic Underground Tanks for Flammable and Combustible Liquids", 1998, Underwriters Laboratories of Canada, 7 Crouse Road, Scarborough, Ontario, M1R 3A9 Canada.

(iii) ASTM D4021-86, "Standard Specification for Glass-Fiber-Reinforced Polyester Underground Petroleum Storage Tanks", revised 1992, American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959.

(B) The tank is constructed of steel and cathodically protected in the following manner:

(i) The tank is:

(AA) coated with a suitable dielectric material; and is

(BB) cathodically protected.

(ii) Field-installed impressed current systems are designed by a corrosion expert to allow determination of current operating status under [329 IAC 9-3.1-2](#)(3).

(iii) Cathodic protection systems are operated and maintained under [329 IAC 9-3.1-2](#).

(iv) The tank complies with one (1) or more of the following:

(AA) Steel Tank Institute "sti-P₃" Specification and Manual for External Corrosion Protection of Underground Steel Storage Tanks", STI-P3-98, revised 1998, Steel Tank Association, 570 Oakwood Road, Lake Zurich, Illinois 60047.

(BB) Underwriter Laboratories Standard 1746, "External Corrosion Protection Systems for Steel Underground Storage Tanks", 2000, Underwriters Laboratories Inc., 333 Pfingsten Road, Northbrook, Illinois 60062.

(CC) Underwriters Laboratories of Canada CAN/ULC-S603-92, "Standards for Steel Underground Tanks for Flammable and Combustible Liquids", 1992, Underwriters Laboratories of Canada, 7 Crouse Road, Scarborough, Ontario, M1R 3A9 Canada.

(DD) Underwriter Laboratories of Canada CAN/ULC-S603.1-92, "Standard for Galvanic Corrosion Protection Systems for Steel Underground Tanks for Flammable and Combustible Liquids", 1992, Underwriters Laboratories of Canada, 7 Crouse Road, Scarborough, Ontario, M1R 3A9 Canada.

(EE) Underwriters Laboratories of Canada CAN4-S631-M84, "Isolating Bushings for Steel Underground Tanks Protected with Coatings and Galvanic Systems", 1992, Underwriters Laboratories of Canada, 7 Crouse Road, Scarborough, Ontario, M1R 3A9 Canada.

(FF) NACE International (formerly the National Association of Corrosion Engineers) Standard RP0285-95, "Corrosion Control of Underground Storage Tank Systems by Cathodic Protection", revised 1995, NACE International, P.O. Box 218340, Houston, Texas 77218-8340.

(GG) Underwriters Laboratories Standard 58, "Steel Underground Tanks for Flammable and Combustible Liquids", 1998, Underwriters Laboratories Inc., 333 Pfingsten Road, Northbrook, Illinois 60062.

(C) The tank is constructed of a steel-fiberglass-reinforced-plastic composite and complies with one (1) or more of the following:

(i) Underwriters Laboratories Standard 1746, "External Corrosion Protection Systems for Steel Underground Storage Tanks", 2000, Underwriters Laboratories Inc., 333 Pfingsten Road, Northbrook, Illinois 60062.

(ii) Association for Composite Tanks ACT-100®, "Specification for External Corrosion Protection of FRP Composite Steel USTs, F894-98", revised 1998, Steel Tank Association, 570 Oakwood Road, Lake Zurich, Illinois 60047.

(D) The tank is constructed of metal without additional corrosion protection measures provided that the following requirements are completed:

- (i) The tank is installed at a site that is determined by a corrosion expert not to be corrosive enough to cause it to have a release due to corrosion during its operating life.
- (ii) The owner and operator shall demonstrate that soil resistivity in an installation location is twelve thousand (12,000) ohms per centimeter or greater by using one (1) of the following:
 - (AA) ASTM Standard G57-95a, "Standard Test Method for Field Measurement of Soil Resistivity Using the Wenner Four-Electrode Method", revised 1995, reapproved 2001. American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959.
 - (BB) A standard approved by the commissioner that exhibits the same or greater degree of reliability and accuracy as ASTM Standard G57-95a cited in subitem (AA).
- (iii) The owner and operator shall maintain records that demonstrate compliance with items (i) and (ii) for the remaining life of the tank.
- (E) The tank construction and corrosion protection are determined by the commissioner to be designed to prevent the release or threatened release of any stored regulated substance in a manner that is no less protective of human health and the environment than clauses (A) through (D).
- (2) The piping that routinely contains regulated substances and is in contact with the ground must be properly designed, constructed, and protected from corrosion. The piping that routinely contains regulated substances and is in contact with the ground must be properly designed, constructed, and protected from corrosion as specified under one (1) of the following:
 - (A) The piping is constructed of fiberglass-reinforced plastic and complies with one (1) or more of the following:
 - (i) Underwriters Laboratories Standard 971, "Nonmetallic Underground Piping for Flammable Liquids", 1995, Underwriters Laboratories Inc., 333 Pfingsten Road, Northbrook, Illinois 60062.
 - (ii) Underwriters Laboratories Standard 567, revised 2001, "Pipe Connectors for Petroleum Products and LP Gas", Underwriters Laboratories Inc., 333 Pfingsten Road, Northbrook, Illinois 60062.
 - (iii) Underwriters Laboratories of Canada Subject CAN/ORD-C 107.7-1993 "Glass Fibre Reinforced Plastic Pipe and Fittings for Flammable and Combustible Liquids", 1993 First Edition, Underwriters Laboratories of Canada, 7 Crouse Road, Scarborough, Ontario, M1R 3A9 Canada.
 - (iv) Underwriters Laboratories of Canada Standard CAN/ULC-S633-99, "Flexible Underground Hose Connectors for Flammable and Combustible Liquids", 1999, Underwriters Laboratories of Canada, 7 Crouse Road, Scarborough, Ontario, M1R 3A9 Canada.
 - (B) The piping is constructed of steel and cathodically protected in the following manner:
 - (i) The piping is:
 - (AA)** coated with a suitable dielectric material; and is
 - (BB)** cathodically protected.
 - (ii) Field-installed impressed current systems are designed by a corrosion expert to allow determination of current operating status under [329 IAC 9-3.1-2](#)(3).
 - (iii) Cathodic protection systems are operated and maintained under [329 IAC 9-3.1-2](#).
 - (iv) The piping system meets one (1) or more of the following:
 - (AA) "Flammable and Combustible Liquids", of the Indiana Fire Code under rules of the fire prevention and building safety commission at [675 IAC 22](#).
 - (BB) American Petroleum Institute Recommended Practice 1615, "Installation of Underground Petroleum Storage Systems", Fifth Edition, March 1996, American Petroleum Institute, 1220 L Street NW, Washington, D.C. 20005-4070.
 - (CC) American Petroleum Institute Recommended Practice 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems", Third Edition, May 1996, American Petroleum Institute, 1220 L Street NW, Washington, D.C. 20005-4070.
 - (DD) Nace International (formerly the National Association of Corrosion Engineers) Standard RP0169-96, "Control of External Corrosion on Underground or Submerged Metallic Piping Systems", 1996 Edition, NACE International, P.O. Box 218340, Houston, Texas 77218-8340.
 - (C) The piping is constructed of metal without additional corrosion protection measures provided that the following requirements are completed:
 - (i) The piping is installed at a site that is determined by a corrosion expert not to be corrosive enough to cause it to have a release due to corrosion during its operating life.
 - (ii) The owner and operator shall demonstrate that soil resistivity in an installation location is twelve thousand (12,000) ohms per centimeter or greater by using one (1) of the following:
 - (AA) ASTM Standard G57-95a, "Standard Test Method for Field Measurement of Soil Resistivity Using the Wenner Four-Electrode Method", revised 1995, reapproved 2001. American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959.
 - (BB) A standard approved by the commissioner that exhibits the same or greater degree of reliability and accuracy as ASTM Standard G57-95a cited in subitem (AA).
 - (iii) The piping complies with one (1) or more of the following:

(AA) "Flammable and Combustible Liquids", of the Indiana Fire Code under rules of the fire prevention and building safety commission at [675 IAC 22](#).

(BB) Nace International (formerly the National Association of Corrosion Engineers) Standard RP0169-96, "Control of External Corrosion on Underground or Submerged Metallic Piping Systems", 1996 Edition, NACE International, P.O. Box 218340, Houston, Texas 77218-8340.

(iv) The owner and operator shall maintain records that demonstrate compliance with items (i) and (ii) for the remaining life of the piping.

(D) Notwithstanding the requirements in section 1.1 of this rule, all connected piping, is installed or replaced after the effective date of the 2009 amendments to this rule, must be equipped with secondary containment, that includes and the connected piping and secondary containment must meet the following standards:

(i) Contain regulated substances released from the piping until the regulated substance can be detected and removed.

(ii) Prevent the release of regulated substances to the environment at any time during the operational life of the piping.

(iii) Be checked for evidence of a release by:

(AA) being monitored for releases at least every thirty (30) days; and

(BB) pressure testing upon installation, again six (6) months after installation, and every thirty-six (36) months thereafter.

(iv) Be interstitially monitored and the interstitial monitoring device must be located in the interstitial space between the walls and meet the following as appropriate:

(AA) The interstitial space is under a vacuum or pressure.

(BB) The interstitial space is liquid-filled.

(CC) The interstitial space is monitored continually.

(v) Was or will be installed, calibrated, operated, and maintained in accordance with the manufacturer's instructions, including routine maintenance and service checks for operability and running conditions.

(vi) Monitoring devices between the inner and outer barriers of the piping can detect a leak or release of product from the primary barrier.

(vii) Meets the standard Underwriters Laboratory Standard 971, "Nonmetallic Underground Piping for Flammable Liquids", 1995, Underwriters Laboratories, Inc., 333 Pfingsten Road, Northbrook, Illinois 60062.

(viii) Is either of the following:

(AA) Connected piping is one hundred percent (100%) secondarily contained.

(BB) Secondarily contained piping with single-walled piping ends that terminate in tank and dispenser sumps.

(ix) Include one (1) of the following:

(i) (AA) Double-walled piping that consists of an outer wall constructed of a dielectric material.

(ii) (BB) Vaulted piping.

(x) After the effective date of the 2009 amendments to this rule, any construction design releases:

(AA) that were issued by the department of homeland security, division of fire and building safety under rules of the fire prevention and building safety commission at [675 IAC 12-12](#); and

(BB) where construction has not commenced;

must be amended to include secondary containment of connected piping that meets all the standards of this subdivision and resubmitted for release by the department of homeland security, division of fire and building safety. For purposes of this item, "release" does not have the meaning as specified in [IC 13-11-2-184](#).

(E) The piping construction and corrosion protection are determined by the commissioner to be designed to prevent the release or threatened release of any stored regulated substance in a manner that is no less protective of human health and the environment than the requirements of clauses (A) through (D).

(3) The following spill and overfill requirements must be completed:

(A) Except as provided in clause (B), the owner and operator shall use the following spill and overfill prevention equipment to prevent spilling and overfilling associated with product transfer to the UST system:

(i) Spill prevention equipment that prevents the release of product to the environment when the transfer hose is detached from the fill pipe as one (1) of the following:

(AA) Minimum five (5) gallon spill catchment basin with drain to tank.

(BB) Minimum twenty-five (25) gallon spill catchment basin without drain to tank.

(ii) Overfill prevention equipment that completes one (1) of the following:

(AA) Automatically shuts off flow into the tank when the tank is ~~no~~ not more than ninety-five percent (95%) full.

(BB) Alerts the transfer operator when the tank is ~~no~~ not more than ninety percent (90%) full by restricting

the flow into the tank or triggering a high level alarm.

(CC) Restricts flow thirty (30) minutes prior to overfilling, alerts the transfer operator with a high level alarm one (1) minute before overfilling, or automatically shuts off flow into the tank so that none of the fittings located on top of the tank are exposed to product due to overfilling.

(B) The owner and operator are not required to use the spill and overfill prevention equipment specified in clause (A) if one (1) of the following is completed:

(i) Alternative equipment is used that is determined by the commissioner to be ~~no~~ **not** less protective of human health and the environment than the equipment specified in clause (A).

(ii) The UST system is filled by transfers of ~~no~~ **not** more than twenty-five (25) gallons at one (1) time.

(C) A drop tube for deliveries must extend to within one (1) foot of the tank bottom.

(4) Under-dispenser containment, as defined in [329 IAC 9-1-45.5](#), is required for the following:

(A) Any new motor fuel dispenser installed at a new underground storage tank facility.

(B) Any new motor fuel dispenser installed at a new location at an existing underground storage tank facility.

(C) Any replaced motor fuel dispenser installed at an existing underground storage tank facility where the replaced piping or equipment is added to the underground storage tank system to connect the replaced dispenser to the existing system.

(5) All tanks and piping must be installed properly in accordance with one (1) or more of the following:

(A) American Petroleum Institute Recommended Practice 1615, "Installation of Underground Petroleum Storage Systems", Fifth Edition, March 1996, American Petroleum Institute, 1220 L Street NW, Washington, D.C. 20005-4070.

(B) Petroleum Equipment Institute Publication PEI/RP100-2000, "Recommended Practices for Installation of Underground Liquid Storage Systems", 2000, Petroleum Equipment Institute, P.O. Box 2380, Tulsa, Oklahoma 74101-2380.

(C) American National Standards Institute Standard ANSI/ASME B31.3-1999, "Process Piping", 1999, American National Standards Institute, 11 West 42nd Street, New York, New York 10036.

(D) American National Standards Institute Standard ANSI/ASME B31.4-1998 Edition, "Pipeline Transportation Systems for Liquid Hydrocarbons and Other Liquids", 1998, American National Standards Institute, 11 West 42nd Street, New York, New York 10036.

(6) The owner and operator shall ensure the following:

(A) The installer has been certified by the ~~office of the state fire marshal~~ **department of homeland security, division of fire and building safety** under rules of the fire prevention and building safety commission at [675 IAC 12-12](#).

(B) One (1) or more of the following methods of certification, testing, or inspection is used to demonstrate compliance with subdivision (4):

(i) The installer has been certified by the tank and piping manufacturers.

(ii) The installation has been inspected and certified by a registered professional engineer under [IC 25-31-1](#) with education and experience in UST system installation.

(iii) The installation has been inspected and approved by one (1) of the following:

(AA) The agency.

(BB) The ~~office of the state fire marshal~~ **department of homeland security, division of fire and building safety**.

(iv) The owner and operator have complied with another method for ensuring compliance with subdivision (4) that is determined by the commissioner to be ~~no~~ **not** less protective of human health and the environment.

(C) The owner and operator shall provide a certification of compliance on the notification form under section 2 of this rule.

(Solid Waste Management Board; [329 IAC 9-2-1](#); filed Dec 1, 1992, 5:00 p.m.: 16 IR 1068; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3695; errata filed Sep 10, 1999, 9:08 a.m.: 23 IR 26; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Aug 30, 2004, 9:35 a.m.: 28 IR 148; filed Aug 3, 2009, 1:48 p.m.: [20090902-IR-329080055FRA](#))

SECTION 11. [329 IAC 9-2-2](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 9-2-2](#) Notification requirements

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-23-1-1](#); [IC 13-23-1-2](#)

Affected: [IC 13-23-3](#)

Sec. 2. (a) All notifications required to be submitted under this section must be submitted on a form and in a

format prescribed by the commissioner.

(b) Any person who owns an UST system or tank shall, within thirty (30) days of owning such an UST system or tank or bringing such tank or UST system into use, submit notice to the agency to register the tank or UST system. Bringing a tank or UST system "into use" means the tank or UST system contains or has:

- (1) contained a regulated substance; and ~~has~~
- (2) not been closed under [329 IAC 9-6](#).

(c) An owner required to submit notice under this section shall provide notice for each tank the owner owns. The owner may provide notice for several tanks at one (1) location using one (1) form. An owner with tanks located in more than one (1) place of operation shall submit a separate notification form for each separate place of operation.

(d) An owner required to submit notice under this section shall provide all the information required by the form provided by the agency for each tank for which notice is submitted.

(e) All owners and operators of new **or replaced** UST systems shall certify, on each notification form submitted, with original signature in ink, compliance with the following requirements:

- (1) Installation of all tanks and piping under section 1(5) of this rule.
- (2) Cathodic protection of steel tanks and piping under section 1(1) and 1(2) of this rule.
- (3) Release detection under [329 IAC 9-7-2](#) and [329 IAC 9-7-3](#).
- (4) Financial responsibility under [329 IAC 9-8](#).

(f) All owners and operators of UST systems shall ensure that whoever performs tank system:

- (1) installations;
- (2) testing;
- (3) upgrades;
- (4) closures;
- (5) removals; and
- (6) change-in-service;

is certified by the ~~office of the state fire marshal~~ **department of homeland security, division of fire and building safety**. The certified person who performs the work shall certify, by original signature in ink on the notification form provided by the agency, that the work performed complies with methods specified by section 1(4) of this rule.

(g) All owners and operators of UST systems who upgrade the tank system to meet upgrade requirements under [329 IAC 9-2.1](#) shall, within thirty (30) days of completing the upgrade, submit notice of the upgrade to the agency.

(h) All owners and operators of UST systems who:

- (1) temporarily close a tank system under [329 IAC 9-6-5](#); or
- (2) close a tank system under [329 IAC 9-6-1](#);

shall, within thirty (30) days of completing such action, submit notice of this action to the agency.

(i) All owners and operators of UST systems who install a method of release detection under [329 IAC 9-7-2](#) and [329 IAC 9-7-3](#) shall, within thirty (30) days of completing such action, submit notice of this action to the agency.

(j) Any person who sells a facility with a regulated underground storage tank that:

- (1) is being used as an UST system; or
- (2) will be used as an UST system;

shall notify the purchaser of such tank of the owner's obligation to submit notice under subsection (b).

(k) An owner and operator of an UST system that is:

- (1) in the ground on or after May 8, 1986; and
- (2) not taken out of operational life on or before January 1, 1974;

shall notify the agency of the service status of the UST system under 42 U.S.C. 6991a of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6901, et seq., in effect on September 30, 1996, on a form provided by the agency for this notification.

(Solid Waste Management Board; [329 IAC 9-2-2](#); filed Dec 1, 1992, 5:00 p.m.: 16 IR 1068; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3699; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Aug 30, 2004, 9:35 a.m.: 28 IR 150; errata filed Oct 7, 2004, 11:55 a.m.: 28 IR 608; filed Aug 3, 2009, 1:48 p.m.: [20090902-IR-329080055FRA](#))

SECTION 12. [329 IAC 9-3-1.2](#) IS ADDED TO READ AS FOLLOWS:

[329 IAC 9-3-1.2](#) Secondary containment

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-23-1-1](#); [IC 13-23-1-2](#)

Affected: [IC 13-23](#)

Sec. 1.2. The owner and operator of an UST system shall have all newly installed tanks and piping or all replaced tanks and piping secondarily contained as required under section [329 IAC 9-2-1\(1\)](#), [329 IAC 9-2-1.1\(b\)\(1\)](#), [329 IAC 9-7-3\(2\)](#) for tanks, and [329 IAC 9-2-1\(2\)\(D\)](#) and [329 IAC 9-2-1.1\(b\)\(2\)](#) for piping.

(Solid Waste Management Board; [329 IAC 9-3-1.2](#); filed Aug 3, 2009, 1:48 p.m.: [20090902-IR-329080055FRA](#))

SECTION 13. [329 IAC 9-3-1.3](#) IS ADDED TO READ AS FOLLOWS:

[329 IAC 9-3-1.3](#) Interstitial monitoring

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-23-1-1](#); [IC 13-23-1-2](#)

Affected: [IC 13-23](#)

Sec. 1.3. The owner and operator of an UST system shall have all newly installed tanks and piping or all replaced tanks and piping interstitially monitored through a method that meets the requirements under [329 IAC 9-2-1.1\(b\)\(1\)\(A\)](#) and [329 IAC 9-7-4\(7\)](#) for tanks and [329 IAC 9-2-1.1\(b\)\(2\)\(A\)](#) and [329 IAC 9-7-5](#) for piping.

(Solid Waste Management Board; [329 IAC 9-3-1.3](#); filed Aug 3, 2009, 1:48 p.m.: [20090902-IR-329080055FRA](#))

SECTION 14. [329 IAC 9-1-27.4](#) IS REPEALED.

LSA Document #08-55(F)

Proposed Rule: [20081105-IR-329080055PRA](#)

Hearing Held: November 18, 2008

Approved by Attorney General: July 27, 2009

Approved by Governor: August 3, 2009

Filed with Publisher: August 3, 2009, 1:48 p.m.

Documents Incorporated by Reference: None Received by Publisher

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Posted: 09/02/2009 by Legislative Services Agency

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